

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, October 18, 2002 – 8:00 a.m.
Saturday, October 19, 2002 – 8:00 a.m.
Fraternal Order of Police Lodge #2
12851 N. 19 Avenue, Phoenix, Arizona

PRESENT: (Commission)

(Director's Staff)

Chairman Michael M. Golightly
Commissioner Joe Carter
Commissioner Sue Chilton
Commissioner W. Hays Gilstrap
Commissioner Joe Melton

Director Duane L. Shroufe
Deputy Director Steve K. Ferrell
Asst. A.G. Jay Adkins
Asst. A.G. Jim Odenkirk

Chairman Golightly called the meeting to order at 8:02 a.m.

1. Executive Session

- a. Legal Advice. Open Meeting Law

This item was postponed to the next meeting.

- b. Legal Counsel. *Forest Guardians v. APHIS*, CIV 99-61-TUC-WDB; *State of Arizona v. Norton*, CIV 02-0402-PHX-FJM; *Montoya v. Manning*, Ninth Circuit Court of Appeals Nos. 00-17082, 00-17394; *In Re General Stream Adjudication for the Little Colorado River and Gila River*; *Mark Boge v. Arizona Game and Fish Commission & Shroufe*, CIV 2000-020754; *Mary R. LLC, et al. v. Arizona Game and Fish Commission*, CIV 2001-015313.

- c. Purchase of Real Property and associated water rights

Motion: Carter moved and Chilton seconded THAT THE COMMISSION GO INTO EXECUTIVE SESSION.

Vote: Unanimous

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Meeting recessed at 8:02 a.m.

Meeting reconvened 9:15 a.m.

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Chairman Golightly called the meeting to order at 9:15 a.m. The commissioners introduced themselves and Chairman Golightly introduced Director's staff. The meeting followed an addendum dated October 15, 2002.

2. Litigation Report

Forest Guardians v. APHIS, CIV 99-61-TUC-WDB; *State of Arizona v. Norton*, CIV 02-0402-PHX-FJM; *Montoya v. Manning*, Ninth Circuit Court of Appeals Nos. 00-17082, 00-17394; *In Re General Stream Adjudication for the Little Colorado River and Gila River*; *Mark Boge v. Arizona Game and Fish Commission & Shroufe*, CIV 2000-020754; *Mary R. LLC, et al. v. Arizona Game and Fish Commission*, CIV 2001-015313.

A copy of the report, which was provided to the Commission prior to today's meeting, is included as part of these minutes. Mr. Adkins stated there was nothing new to add to the report.

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3. An Update on Current Issues, Planning Efforts, and Proposed Projects on State and Federal Lands in Arizona and Other Matters Related Thereto

Presenter: John Kennedy, Habitat Branch Chief

A copy of the printed update, which was provided to the Commission prior to the meeting, is included as part of these minutes.

Mr. Kennedy noted the Department had not received an October-December schedule for the Heber-Reno Sheep Driveway from the Tonto National Forest. There were no further updates on the analysis of the Sheep Driveway at this time. The Department followed up with the Apache-Sitgreaves and Tonto National Forests; the Tonto was contacted three times. The Department would try to expedite the process. Chairman Golightly asked in the Department's next correspondence with the Tonto, courtesy copies of the letter be sent to a higher federal level; i.e., the Regional Forester. The Regional Forester would be sent copies of correspondence already issued from the Department to the Tonto.

Regarding the Petrified Forest National Park, a letter was written and signed by Chairman Golightly and the Governor and was sent to the Chairman of the Subcommittee on National Parks in Washington, D.C. on the day the bill was to be heard on the floor. According to Senator McCain's Office, the bill was not heard on that day; there will not be action taken on the bill in the near future. Two days before the bill was to be heard the National Parks Conservation Association pulled out some of the negotiated resolutions that were recommended by State Land Commissioner Anable (i.e., providing a corridor for access on the far eastern side of the boundary expansion and also a commitment from the National Park Service to maintain important wildlife waters). A copy of the draft bill has been requested from Senator McCain's Office.

Commissioner Melton asked about the burros in BLM's Yuma District and expressed concern regarding the expansion of the Herd Management Area (HMA) near Painted Rock. Mr. Kennedy stated the Department has observed some significant improvements to habitat in the Cibola-Trigo HMA and the Department was pleased with the level of support received from the Yuma office regarding that HMA. With respect to Painted Rock, it is a herd area at this time. It is the same status that was in the Department and Commission's protests of BLM's resource management plan and management framework plan. There are three herd areas in Arizona where there are no HMAs; i.e., the decision was made not to manage burros: Painted Rock, the Harquahalas Mountains

and Little Harquahalas Mountains. The Department is still involved in a protest of the document; the Department is challenging BLM on proposed management of four herd areas, including Alamo.

Commissioner Melton read a letter into the record from the Arizona Desert Bighorn Sheep Society (ADBSS) to Brian Wakeling, Big Game Supervisor, regarding the two desert bighorn sheep being proposed by the Phoenix Zoo. The Arizona Zoological Society was a participant in a recent lawsuit against BLM for the maintenance of 16 wildlife water developments in the Sonoran Desert National Monument. Because of the association between the society and the Zoo, it is apparent they both are against wildlife water developments. The ADBSS thought it inappropriate to permit the conveyance of the sheep to the Zoo. Director Shroufe noted the Zoo withdrew its request.

Commissioner Melton was concerned about the Paradise Well area being closed this year on the Barry Goldwater Range because of the east tactical range. Colonel Uken suggested moving the tactical range to the west so as to not be directly over the top of Paradise Well.

Regarding the expansion of the Walnut Canyon National Monument, the Coconino County Board of Supervisors intends to develop a resolution in the near future. There are opportunities for the Department and Commission to get language in the resolution. The Department is developing language and will attend every meeting on this project.

Commissioner Carter referenced elk fencing issues on 260. The Arizona Department of Transportation has access to mitigation funds. He wanted the Department to stay aggressive in identifying issues related to wildlife crossings and opportunities for funding. He also wanted to convey appreciation to the BLM State Director and to Gail Acheson of the BLM's Yuma Field Office regarding working towards resolution of the burro issue. A Forest Service project was started in July related to the improvement of public access to Frye Mesa. He wanted to have the project added to the monthly update report.

Chairman Golightly asked about the planned November sheep capture in the Eagletails. The sheep were to be placed in the Mineral Mountains in Unit 37B. The sheep hunt was in December. Gerry Perry, Region V (Tucson) Supervisor, stated the transplant would occur November 21-22.

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4. Request for the Commission to Approve a Private Lands Agreement with the Concho School District and the U.S. Fish and Wildlife Service for the Purpose of Implementing a Riparian Vegetation Enhancement Project at the Commission's Concho Lake Property, Apache County

Presenter: John Kennedy, Habitat Branch Chief

The U.S. Fish and Wildlife Service (FWS) is proposing to work cooperatively with the Department and the Concho School District to conduct a riparian vegetation enhancement project at the Commission's Concho Lake property. If approved, the agreement would

allow the Concho School District to conduct wildlife habitat enhancement activities at Concho Lake for a 10-year period. The project will be designed, constructed and maintained in a manner consistent with the purposes for which the property was acquired.

Motion: Carter moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE A PRIVATE LANDS AGREEMENT FOR THE PURPOSES OF IMPLEMENTING A RIPARIAN VEGETATION ENHANCEMENT PROJECT AT THE COMMISSION'S CONCHO LAKE PROPERTY, APACHE COUNTY, AND EXECUTE THE AGREEMENT AS ATTACHED OR AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

Vote: Unanimous

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5. An Update on the Governor's Rangeland Technical Advisory Council's Assessment of the U.S. Forest Service Methods for Determining Livestock Grazing Capacity on National Forests in Arizona

Presenter: John Kennedy, Habitat Branch Chief

The Governor's Rangeland Technical Advisory Council was established in 1999 to "review the U.S. Forest Service Rangeland Models utilized in Arizona to determine stocking capacity and alternative models for evaluating impacts for federal regulatory compliance" and "make recommendations to the Governor regarding the validity of currently utilized rangeland models and alternative models". Livestock grazing allotments on five national forests in Arizona were visited to allow the Council to observe the procedures and criteria used to make stocking rate decisions. The Council focused on procedures (and underlying criteria and assumptions) used to establish grazing capacities and evaluated the accuracy and scientific rationale for these procedures.

Four members on the Council briefed the Commission at today's meeting. They were Dr. Ward Brady (Arizona State University), Dr. Phil Ogden (retired, University of Arizona) Dr. George Ruyle (University of Arizona, Renewable Natural Resources) and Nancy Lewis (sporting community representative). The updates addressed major findings and recommendations regarding FS use of forage allocation models as the primary basis for estimating grazing capacity and determining permitted numbers of livestock to be grazed on an allotment.

Dr. Ruyle participated in all five of the grazing allotment reviews. His perspectives were that major findings in the report speak for themselves and were still relevant today. The report and the major findings of the report were not a justification for status quo of grazing on Forest Service lands. The main issues in the report were

1. The Forest Service methodologies reviewed in the process to set stocking rates were inconsistent and ambiguous across the state, which has resulted in data quality problems, which has lead to potentially unsupportable management decisions.
2. There is no reliance on long-term monitoring data to determine resource conditions in stocking rate decisions or otherwise.

3. The real problems encountered were apparent and obvious; there was very little day-to-day interaction among Forest Service employees and grazing permittees, i.e., communication was a real issue.

Dr. Ogden participated in four of the five grazing allotment reviews. He gave his background on this subject. His assessment was that ecology-based, multiple-use management is dead and has been abandoned. It has been replaced with a political endangered species and litigation based management. The consequences in an effort to reduce livestock numbers and justified by the forage allocation model is what precipitated the Council. His assessment was that:

1. The report was not a statement of status quo. Management of livestock on rangeland has to be flexible. Management should not be based on short-term utilization standards that are not well defined and poorly justified. Mid-summer utilization does not equal fall utilization. Utilization on forage over a landscape is not the same as utilization on a key species on a key area. These definitions need to be precise to improve communication.
2. The report was an evaluation of the methods of forage allocation methods currently being used by the Forest Service in Region 3 to reduce livestock numbers. The model is a legitimate methodology but the model must properly represent each individual allotment in the system and be unbiased. In many cases, neither of the two criteria was met in application of the model. This was critical.
3. The report recommends stock and monitor as the preferred method for management on allotments to determine stocking capacity as well as any change in management. The value of the stock and monitor approach is that it helps identify cause and effect. It can encourage cooperation and communication but it requires funding, time, and qualified and experienced individuals.
4. The report does not offer a solution to the Forest Service to deal with pressures of litigation to reduce livestock numbers. Justifying livestock reductions with forage allocation models is not science, not ecosystem management, and is creating distrust for Forest Service personnel using this approach.

Dr. Brady visited four of the five forests. His conclusion were:

The Forest Service de-emphasized the use of long-term monitoring data. There are professionally accepted methods for determining grazing capacity. The Forest Service chose to use methods that were inconsistent between forests; different methods were used sometimes within the same forest resulting in inconsistent results. These methods were subjective; data of questionable value was often used of unknown accuracy and unknown precision. Consistency by the Forest Service was needed. The Forest Service needed to reject methods based on questionable data or technologies. Objectivity was needed in making decisions.

Nancy Lewis read a prepared statement into the record. She represented one of the three sportsmen appointed to the Council. Of the forests visited, only one ranch on the Coconino seemed to her to be in good shape. She expressed frustration with the report

and felt it originally ignored the wildlife of Arizona's forests. She insisted that the tirades against the environmental community be deleted completely in that they were childish and cheapened the document. Her requests were immediately granted and her amendments were made in the report.

Ms. Lewis felt the Commission should never concern itself with livestock management practices, AUMs and stocking rates unless these actions affect wildlife. Given the responsibility of managing the state's wildlife, the Commission should be neutral in the political matter of allocation of grazing permits except in those instances in which the welfare of wildlife species is involved. The Commission should, and indeed must, rely on the learned opinions of its own agency personnel when involving itself in range management practices and only when these practices impact the state's wildlife populations.

Commissioner Chilton stated frequently it is shown in the federal lands update the Department is in consultation with the Forest Service regarding Allotment Management Plans (AMPs) and forage allocation. She asked if the Forest Service was telling the Department of the long-term condition and trend data that exist since it was relevant to the conditions of the range and wildlife. Mr. Kennedy stated the Department receives information regarding AMPs and would continue to ask the forests for information.

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6. Statewide Shooting Range Project Update

Presenter: Kerry Baldwin, Acting Assistant Director, Information & Education

A written summary was provided to the Commission on major issues in the program prior to today's meeting.

Mr. Baldwin stated there would be a meeting on October 29 with the Northern Arizona Range Association to look at specific management models for the Bellemont Shooting Facility. It was hoped to run it on the same model as Rio Salado. Various disciplines would take responsibility over elements of the range. Those disciplines would not be a specific club. Chairman Golightly noted to date there have been no complaints about Bellemont. He asked the Department to continue to pursue in November final title transfers. Director Shroufe stated he would be meeting on a regular basis with the Forest Service. Chairman Golightly had asked Mr. Baldwin to advertise, through our media, that we would accept donations of used material and fencing for the range.

Mr. Baldwin noted Pat Otto was present from the Tri-State Range Committee. Mr. Otto would like to see an agreement between the Department and BLM in six months. He requested funding for topographical mapping and boundary surveys. Costs total \$11,600, which would include \$3900 for boundary surveys; \$5200 for topographic mapping and \$2500 for site plan of facilities layout. Mr. Baldwin stated the Department was waiting to hear from BLM regarding specifics on the surveys. There were resources in the unexpended funds category of the Statewide Shooting Ranges Project. The Department was moving forward on securing the RP&P.

Commissioner Carter asked about the inactivity of the interagency task force with respect to the Tonto National Forest. Mr. Baldwin stated the Department was the lead agency. He was unable to have a meeting since May because assistant director duties took him away from doing so and the Forest Service stated nothing would be done on their lands because of liability. Until we get past the liability issue, there was little to do. At the national level, the Forest Service and the shooting ranges roundtable are looking at this liability issue on a broader level. Our region of the Forest Service takes a narrow view of liability that is not applied in other regions of the Forest Service. We would further pursue the issue starting in November. Director Shroufe noted in September he met with Tommy Thompson, Deputy Director of the Forest Service in Washington, D.C., about these issues. Mr. Thompson suggested that we meet with Harv Forsgren, Regional Forester, about this issue on all forests in Arizona. He was very receptive to our remarks. Director Shroufe suggested that the Commission wait until he had a meeting with Mr. Forsgren before taking any further action. He hoped to have a meeting before the December Commission meeting and he would report back to the Commission at that time.

Mr. Baldwin noted Director Shroufe set up a meeting with the City of Phoenix to discuss zoning issues near the Ben Avery Shooting Facility. Director Shroufe stated there were several things happening to ensure future development in the area would be compatible with the shooting range. The Department wants to be involved in the planning of the area as it relates to the range. There would be a planning effort starting in the spring on a section of land from the Carefree Highway north to the strip mall and probably westward to the boundary of the shooting range. The BLM sheep trail following the boundary of the BASF to the west was too close to the range. The Department has been trying to work with BLM to try to move the trail.

Another issue at BASF was to ensure there was an adequate buffer from any type of development on the west that would conflict with the archery range and the shotgun range. In the proposed plan going out for public review for that parcel of land, the buffer on the southwest side of the range is pretty much zoned as open space. The City could pick this up as floodplain open space under Growing Smarter. The south side of the Carefree Highway as it runs west to the BASF has always been coded for development that would be compatible with the range (business or industry). Because of negotiations between the State Land Department and the City, maps have been redrawn. The last ¼ mile on the south side of the Carefree Highway, bordering BASF to the north, has been changed to subdivisions, which is totally incompatible with the BASF. Even with passage of legislation last year, it would be up to the developer to screen the development for sound. We anticipate the state planner will meet in the next few weeks with the Department's internal committee and to have a briefing on the planning and the decisions that may be adopted by the Phoenix City Council in December. There will be a meeting scheduled in the next week with BLM, State Land Department and Game and Fish to discuss the trail and potential zoning for the subdivision on the southwest corner of the range across Carefree Highway.

Mr. Baldwin noted the south side of Carefree Highway has always been zoned commercial and is being considered for a regional mall. The state has a higher priority than the city; yet, there are zoning issues. The Department would have to meet with the city regarding proposed developments. Developments would have to be consistent with what is in the area, which is commercial at this point.

Public comment

Terry Allison, representing Arizona State Rifle and Pistol Association (ASRPA), presented a petition of 7000 signatures to the Commission with regard to protecting the BASF. Some of the signers and their organizations were cited. The petition made the following recommendation:

1. No portion of the current range property be sold
2. No portion shall be leased for the purpose of development (that does not enhance the shooting range facility)
3. The Commission shall focus on acquiring more property surrounding the range to enhance the safety and future expansion of the range
4. The Commission shall work with other agencies of state and local governments to protect, preserve and enhance shooting ranges statewide
5. A citizens' committee be established to provide input on the current and future management of the range

Mr. Allison read into the record a letter from former Commissioner Dennis Manning asking the Commission to protect and preserve the BASF. There were additional letters from other organizations.

Mr. Allison asked that several things be considered:

1. Public involvement in future considerations regarding range development via the internal committee. In major areas of range development, a liaison to the public could preclude issues coming up at Commission meetings. Controversies could also be addressed in a smaller venue. If allowed, ASRPA could provide a representative or liaison to the committee.
2. The Commission was encouraged to draft and support a resolution that it would expand the BASF rather than diminish it; that it would seek friendly development on land adjoining the range; that it would support on-range development only when it enhances the range's primary mission as a shooting range.
3. The Commission should not give up any portion of land that can be used now or in the future as a shooting range. There must be constant effort to expand ranges. The highest and best use of the land at BASF is to hold on to it. Maximum use should be made of the BASF facility; demand will grow at the facility.

Mr. Allison noted volunteer effort was used in collecting signatures on the petition.

Commissioner Chilton noted that increasing populations increase problems for BASF. She asked if some of the 7000 signers would consider buying some of the neighboring State land as a buffer and then dedicating that as that a park for the area and to allow development on the other side of the buffer. Mr. Allison stated yes, there were many potentials for sportsmen to purchase around the range.

Commissioner Carter asked that the Commission receive copies of the resolution as well as letters Mr. Allison felt appropriate regarding its position. Commissioner Carter attended the Pima County Board of Supervisors meeting last month, where there was a unanimous vote to acquire the Buckelew Ranch, not only for conservation purposes but to provide a buffer zone for the Three Points Range.

Commissioner Melton stated the petition shows support for the BASF. He suggested that someone put together a "Friends of Ben Avery Shooting Range" group. Mr. Allison stated he formed the Ben Avery Range Users Group many years ago; the corporation still exists as a 501.C3 corporation and could be reactivated as the Ben Avery Range User Group.

Mr. Baldwin stated the RFI was finalized and was on the street. Legal advertising would be done. The RFI was a request for information. Copies of the document would be provided today to the Commission.

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Meeting recessed at 11:10 a.m.

Meeting reconvened at 11:25 a.m.

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Chairman Golightly stated the Commission would break for lunch and would return at 1:00 p.m. to go back into executive session; public session would reconvene about 1:30 p.m.

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Meeting recessed at 11:26 a.m.

Meeting reconvened at 1:03 p.m.

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Motion: Melton moved and Carter seconded THAT THE COMMISSION RECONVENE INTO EXECUTIVE SESSION.

Vote: Unanimous

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Meeting recessed at 1:03 p.m.

Meeting reconvened at 1:40 p.m.

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Commissioner Carter stated while the burro issue has been frustrating, there have been significant success stories. This is due to the Department's assisting BLM in securing funding for the removal of burros as well as on-the-ground support. It would appropriate for the Commission to convey appreciation to BLM officials. He read a brief letter to see if the other commissioners would consider signing it.

Motion: Carter moved and Melton seconded THAT ON OCTOBER 18, 2002, THE ARIZONA GAME AND FISH DEPARTMENT PROVIDED AN UPDATE TO THE COMMISSION ON THE STATUS OF THE BURRO POPULATION IN THE CIBOLA- TRIGO HMA AREA. ACCORDING TO THE YUMA FIELD OFFICE, THE BURRO POPULATION IN THIS HMA IS AT OR NEAR THE APPROPRIATE MANAGEMENT LEVEL OF 167 BURROS. THIS REPRESENTS A SIGNIFICANT ACCOMPLISHMENT AND IS ATTRIBUTABLE TO MS. GAIL ACHESON AND

HER STAFF'S COMMITMENT TO THE REMOVAL OF BURROS. WE LOOK FORWARD TO WORKING COOPERATIVELY WITH YOU AND YOUR STAFF ON BURROS AND WILDLIFE MANAGEMENT ISSUES AND PROJECTS WITHIN THE AREA. AGAIN, WE SUPPORT AND APPRECIATE THE YUMA FIELD OFFICE'S DEDICATION AND EFFORTS WITH RESPECT TO IMPLEMENTING IMPORTANT BURRO MANAGEMENT ACTIONS IN SOUTHWEST ARIZONA.

Vote: Unanimous

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7. Call to the Public

There were no comments.

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8. State and Federal Legislation

Presenter: Anthony Guiles, Legislative Liaison

The Governor is to announce today whether she'll call a special session after the elections to deal with the budget. She would not call a special session if she could make administrative cuts totaling \$250-\$300 million among the state agencies.

There have been inquiries from the Joint Legislative Budget Committee regarding how much money is in different Heritage Fund accounts. Data is being transferred from the old legislative districts to the new ones.

In the U.S. Senate, S 1655 would ban the hunting of exotic captive species.

Director Shroufe noted a meeting had been scheduled in the Governor's Office to discuss proposed legislation for next year. The meeting was cancelled, but was rescheduled to next Friday. A memo was received two months ago from the Governor's Office that agencies would be receiving a call from the Governor to discuss ways to address the shortfalls. Game and Fish was not invited and it is assumed the Department could not help the General Fund. We may be called on to discuss the Heritage Fund.

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9. Request to Approve a Notice of Emergency Rulemaking for the Adoption of New Rule R12-4-527 to Address Issues Associated with Transfers of Ownership of a Towed Watercraft

Presenter: Mark E. Naugle, Manager, Rules & Risk Management

The emergency rule is being promulgated to temporarily implement changes in the Arizona Revised Statutes made by S. 1250, Chapter 314, watercraft; towing companies, until permanent rules can be effectively written.

Emergency certification of the rule is necessary to comply with deadlines in amendments to this agency's governing laws. The emergency rule will implement the documents required by new Article 11, Title 5-397(B)(1) to report towed unreleased watercraft to the Department to initiate a transfer of ownership; the notice of intent to transfer ownership

required by 5.397.01(B) to be mailed to the owner, lien holder or any other person with an interest in the watercraft; an application for transfer of ownership in 5-397.02(B) and all other forms required of towing companies to be provided by the Department.

In addition, emergency rule R12-4-527 will avoid serious prejudice to the public interest and the interest of the parties concerned. The collective organization of towing companies are faced with an overabundance of abandoned and unidentified watercrafts occupying space on their properties and impairing their abilities to conduct business. S. 1250 streamlines this process to reduce the amount of time required to contact the owner or lien holder of the watercraft, and obtain a transfer of ownership and registration. The towing company would then be able to sell the watercraft to recoup any losses. Representatives from the state's towing industry have cooperated at length with the Department to draft and implement these changes. However, due to the thoroughness of the regular rulemaking process, the Department cannot draft and implement recommended rule changes until after the bill's effective date. If the Commission were not to approve an Emergency Rulemaking process, the Department would not be able to implement the watercraft ownership transfer process until August 2003.

As watercraft are under the jurisdiction of the Department, the most effective approach to reduce the number of abandoned and unidentified watercraft is to facilitate immediate, temporary changes to Department rules. The agency has, therefore, determined the emergency promulgation of R12-4-527 is a necessary and prudent step to take. The agency will also be pursuing out-of-cycle rulemaking on this issue and will file a Notice of Rulemaking Docket Opening with the Secretary of State on October 25, 2002, for review. If approved, it will be filed with the Secretary of State for publication in the *Arizona Administrative Register*. The emergency rulemaking will then become effective for a period of 180 days.

The proposed new rule will include the following specific requirements related to towed watercraft:

1. Provide a definition of "towed watercraft" to mean a watercraft that has been impounded by and is in the possession of a towing company licensed in Arizona.
2. Established a \$25 application fee the Department shall charge each towing company applicant.
3. Provides a process for a towing company to submit information to the Department in order for the Department to attempt to identify or contact the registered owner or lien holder of a towed watercraft under new statute ARS §5-397.01.
4. Once the Department can verify the watercraft is not stolen, the rule provides a process outlined in ARS §5-397.02(A)(B), that a towing company shall follow to register the towed watercraft.

Under emergency rulemaking provisions of ARS §41-1026, the agency's proposed emergency rulemaking to address watercraft towing procedures will be reviewed by the Attorney General and, if approved, will become law for 180 days, with the option of a single 180 day renewal period.

Public comment

Hal Borhauer, representing the Arizona Professional Towing and Recovery Association, asked the Commission to support the rule.

Motion: Carter moved and Chilton seconded THAT THE COMMISSION VOTE TO APPROVE A NOTICE OF EMERGENCY RULEMAKING FOR THE ADOPTION OF NEW RULE R12-4-527 AND APPROVE THE MAKING OF AN EMERGENCY RULE TO ADDRESS THE TRANSFER OF OWNERSHIP OF A TOWED WATERCRAFT.

Vote: Unanimous

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10. Request to Approve a Notice of Rulemaking Docket Opening for Article 5: Boating and Water Sports

Presenter: Mark E. Naugle, Manager, Rules & Risk Management

For additional background information, see Commission meeting minutes for May 18, 2002, page 24, and for March 15, 2002, pages 15-16.

The Department concluded the process of researching the issues the Governor's Regulatory Review Council (GRRC) raised concerned R12-4-504, R12-4-507 and R12-4-509 and was prepared to proceed with amendments to these rules.

The establishment of new rule R12-4-527 is necessary to permanently establish and implement recent changes in Arizona Revised Statutes created by S 1250, Chapter 314, watercraft; towing companies. The new rule will require towing companies to report towed watercraft to the Department if they wish to initiate a transfer of ownership only after an attempt has been made to contact the registered owner or lien holder of the watercraft.

The following is an overview of the specific amendments the Department is proposing for R12-4-504, R12-4-507 and R12-4-509.

R12-4-504. Staggered Watercraft Registration Schedule; Penalty for Late Registration

Amends the rule to delete the last sentence of subsection (B). This sentence stipulates the minimum and maximum renewal period of watercraft registration. This requirement is duplicative of state statute and regulates the activities of the Department and not the public. The requirement should be contained in Department policy rather than rule.

Amends the rule where necessary to make the rule language consistent with the current Administrative Procedures Act requirements for rulemaking language and style.

R12-4-507. Application for Registration of Abandoned or Unreleased Watercraft

The proposed rulemaking will make the following changes:

Revise title, "Transfer of Ownership of an Abandoned or Unreleased Watercraft"

Renumber subsection (A)(2) "Release of Interest" to (A)(3)

Add subsection (A)(2) definition of "Unreleased Watercraft" and use the term jointly with "abandoned"

Revise subsection (C) to replace "registration" with "transfer of ownership"

Revise subsection (C)(7) to include qualifier "if the watercraft is abandoned"

Delete subsection (C)(8) because it is irrelevant to the rule

Revise subsection (E)(1) to establish uniform and equal advertising standards for the public wishing to transfer ownership of an abandoned or unreleased watercraft with the new requirements of towed watercraft by towing companies established by ARS §5-397.01(C)

Delete subsection (E)(2) because it will be no longer necessary. The Department will assume advertising responsibilities

R12-4-509. Watercraft Agents

Delete the reference in subsection (H) to R12-4-608, which was amended December 14, 1999, and replace it with a reference to uniform procedures act Title 41, Chapter 6, Article 10.

R12-4-527. Transfer of Ownership of a Towed Watercraft

Provide a definition of "towed watercraft" to mean a watercraft that has been impounded by and is in the possession of a towing company licensed in Arizona

Establishes a \$25 application fee the Department shall charge each towing company applicant

Provides a process for a towing company to submit information to the Department in order for the Department to attempt to identify or contact the registered owner or lien holder of a towed watercraft under a new statute ARS §5-397.01. Once the Department can verify the watercraft is not stolen, the rule provides a process outlined in ARS §5-397.02(A)(B) that a towing company shall follow to register the towed watercraft.

If approved by the Commission, the Notice of Rulemaking Docket Opening will be filed with the Secretary of State by October 25, 2002. The anticipated effective date for Article 5 rule amendments will be August 4, 2003.

Motion: Carter moved and Gilstrap seconded THAT THE COMMISSION VOTE TO APPROVE AN OUT OF CYCLE NOTICE OF RULEMAKING DOCKET OPENING FOR THE AMENDMENT OF RULES R12-4-504, R12-4-507, AND R12-4-509 AND FOR THE ESTABLISHMENT OF NEW RULE R12-4-527.

Vote: Unanimous

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11. Request to Approve a Notice of Emergency Rulemaking for the Renewal of Emergency Rule R12-4-429 for Filing with the Office of the Arizona Attorney General to Address Issues Associated with Chronic Wasting Disease

Presenter: Mark E. Naugle, Manager, Rules & Risk Management

For additional background information, see Commission meeting minutes for May 18, 2002, pages 24-26.

The Department asked the Commission to approve the renewal of emergency rulemaking for R12-4-429 to address issues associated with chronic wasting disease (CWD) until the regular rulemaking package for CWD becomes effective. If approved by the Commission, the renewal notice for emergency rule R12-4-429 will be filed with the Office of the Attorney General for review and approval.

Motion: Chilton moved and Carter seconded THAT THE COMMISSION VOTE TO APPROVE A NOTICE OF EMERGENCY RULEMAKING FOR THE RENEWAL OF EMERGENCY RULE R12-4-429 FOR FILING WITH THE OFFICE OF THE ARIZONA ATTORNEY GENERAL TO ADDRESS ISSUES ASSOCIATED WITH CHRONIC WASTING DISEASE.

Vote: Unanimous

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12. Request to Approve the Notice of Proposed Rulemaking and the Preliminary Economic, Small Business, and Consumer Impact Statements for the Amendment of R12-4-401, R12-4-406, R12-4-407, R12-4-408, R12-4-409, R12-4-413, R12-4-417, R12-4-420, and R12-4-423; for the Repeal of R12-4-412 and for the Promulgation of New Rule R12-4-430 to Address Issues Associated with Chronic Wasting Disease

Presenter: Mark E. Naugle, Manager, Rules & Risk Management

At the May 18, 2002, Commission meeting, the Commission approved a Notice of Rulemaking Docket Opening for Article 4 to address issues associated with chronic wasting disease (CWD). The Notice was filed with the Secretary of State; the Department then developed the Notice of Proposed Rulemaking and the preliminary Economic, Small Business and Consumer Impact Statements.

Rule changes proposed for R12-4-401, R12-4-406, R12-4-407, R12-4-408, R12-4-409, R12-4-412 (being repealed and replaced by provisions in R12-4-430), R12-4-413, R12-4-417, R12-4-420, and R12-4-423 are administrative in nature and are made necessary by

proposed new rule R12-4-430, which is designed to prevent the introduction of CWD to free-ranging or captive wildlife in the state.

Proposed new rule R12-4-430 will include the following specific requirements related to CWD in cervids:

1. An individual, including special license holders, shall not import a live cervid (defined as a member of the deer family found anywhere in the world) into Arizona except for holders of a Zoo License as allowed in subsection (K) of new R12-4-430, and only if the cervid is quarantined for 30 days after import and only if the cervid is procured from a facility that complies with the following requirements:
 - i. The exporting facility has no history of CWD or other diseases that pose a serious health risk to wildlife or humans, and there is accompanying documentation from the facility indicating such history;
 - ii. The cervid is accompanied by a health certificate issued by a licensed veterinarian in the jurisdiction of origin within 30 days of import; and
 - iii. The cervid is accompanied by evidence of lawful possession.
2. An individual shall not transport a live cervid within Arizona except to:
 - i. Export the live cervid from Arizona for a lawful purpose,
 - ii. Transport the live cervid to a facility for the purpose of slaughter, or
 - iii. Transport the live cervid to or from a licensed veterinarian for medical care.
3. All native cervids currently in Arizona under the authority of a Department-issued Wildlife Holding, Game Farm or Zoo License shall be required to be permanently marked with either a tattoo or microchip within 30 days of the effective date of this rule.
4. Wildlife Holding, Game Farm and Zoo License operators shall be required to submit the head of any native cervid that dies on their premises or under their control to the Arizona Vet Diagnostic Lab or analysis for CWD. The Department will pay for testing.
5. All facilities that maintain cervids under a Wildlife Holding, Game Farm or Zoo License shall be required to keep records of animals moved onto or off of the facility and to provide these reports to the Department.
6. Any individual holding a cervid not listed as a native cervid in R12-4-430 shall provide the Department with a report that lists the number and species of cervids held. The number of people impacted by this portion of the proposed rule is unknown as there is no requirement to notify the Department of these animals at this time. Although the number of animals is unknown, the Department estimates that the number of animals held is less than 500.

A new addition to the rule was made on the floor and addresses the issue of transporting a live cervid to a facility for the purpose of slaughter that will occur within five days of the date of transport.

If approved by the Commission, the Notice of Proposed Rulemaking and the preliminary Economic, Small Business and Consumer Impact Statements will be filed with the Secretary of State by October 25, 2002, for publication in the *Arizona Administrative Register*. Written public comment would be accepted until December 17, 2002. Notice of Final Rulemaking will be presented to the Commission for final action at its January 2003 Commission meeting. The final rulemaking package will be submitted to GRRC for its March 2003 meeting with an anticipated effective date for the new rules in May 2003.

Motion: Gilstrap moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE THE NOTICE OF PROPOSED RULEMAKING AND THE PRELIMINARY ECONOMIC, SMALL BUSINESS AND CONSUMER IMPACT STATEMENTS FOR THE AMENDMENT OF R12-4-401, R12-4-406, R12-4-407, R12-4-408, R12-4-409, R12-4-413, R12-4-417, R12-4-420, AND R12-4-423; FOR THE REPEAL OF R12-4-412 AND FOR THE PROMULGATION OF NEW RULE R12-4-430 TO ADDRESS ISSUES ASSOCIATED WITH CHRONIC WASTING DISEASE, INCLUDING THE MOST RECENT PROPOSED REVISION OF THE RULE R12-4-430 INVOLVING THE TRANSPORT OF LIVE CERVIDS TO A FACILITY WITHIN ARIZONA FOR THE PURPOSE OF SLAUGHTER THAT WILL TAKE PLACE WITHIN FIVE DAYS OF THE DATE OF TRANSPORT.

Vote: Chilton, Gilstrap and Melton – Aye
Carter – Not present for vote
Motion passed

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Meeting recessed at 2:13 p.m.

Meeting reconvened at 2:28 p.m.

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13. Presentation on Sonoran Pronghorn

Presenter: John Hervert, Wildlife Program Manager, Region IV (Yuma)

A Powerpoint presentation was given providing an overview of the recovery effort for the Sonoran pronghorn, a summary of the species' status in Arizona and Mexico, and details about some of the specific threats to the pronghorn's existence and the management actions that might minimize those threats.

Mr. Hervert stated there currently may be as few as 25 Sonoran pronghorn. As of last December, there were 140, with many being fawns born last year.

Historic range and habitats of the Sonoran pronghorn was given, with most populations occurring on federal lands. Since 1994, radio-collared animals have been monitored with approximately 3500 square miles being covered. Population trends were shown. Surveys are planned to occur in December in both Arizona and Mexico.

There is a 20% annual adult mortality; however, with the drought this year, it rose to an 83% adult mortality. Predators were noted. Bobcats are very common in the Sonoran pronghorn habitat and have been documented killing adults as well as fawns. Diseases have been found in Sonoran pronghorn, with every one handled testing positive for either blue tongue or EHD.

Recruitment of fawns is extremely important to the survival of populations and it is driven by rainfall. Predation on fawns by coyotes was far less than expected.

Recovery projects proposed for implementation include forage enhancement (irrigating the desert to grow forage in periods of extreme drought); removal by selective burning of creosotes to free up moisture in the soil for desirable forage; water developments and captive breeding.

The presentation was followed by a question/answer period.

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14. Presentation on Mount Graham Red Squirrel

Presenter: Terry B. Johnson, Nongame Branch Chief

For additional background information, see Commission meeting minutes for September 14, 2002, pages 35-37.

There are four primary areas of investigation as requested by the Commission: 1) Are the red squirrels reacting to the insect infestation; how are they reacting to the infestation and how are they reacting to population changes; 2) What are the documented impacts on Mount Graham in terms of habitat loss/destruction; 3) Are the squirrels dying in place or moving to different habitats and 4) How are the red squirrels generally reacting to the insect infestation.

It was felt the Department could work cooperatively with the University of Arizona to investigate these issues and at the same time come up with valid information that would allow us to assess the potential changes occurring over the next few years. The U of A is receptive to expanding their studies from the observatory into other habitats on the mountain.

There would be a contractual arrangement between the Department and U of A. The University would actually be doing the investigation for the Department. Regarding finances, there are funds available. The University would require \$150,000 to supplement funds they have for the work to take place. The Department would be gaining concrete data from the area outside the immediate observatory related to quantification of red squirrel behavior, movements, population numbers, survival of the young, dispersal movements, etc. Information is needed in order for the Department to structure recommendations in reforestation efforts and increasing access. Chairman Golightly thought there needed to be more research on funding sources. Commissioner Carter

disagreed. Habitat conditions have changed dramatically due to infestation and fires. The Mount Graham red squirrel is an endangered species; it was our obligation to spend to spend the money for a study. Director Shroufe stated monies could come from the Heritage Fund. He did not feel this item needed to be returned to the Commission for additional action.

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15. Request from Mr. Stephen M. Greenwood for a Hearing to Reinstate Bonus Points Associated wit the Fall 2002 Elk Hunt

Presenter: Linda Kuryn, Finance & Accounting Branch Chief

A letter dated July 23, 2002, was received from Stephen Greenwood requesting a hearing. Mr. Greenwood believed the Department was at fault for a mistake he made on his 2002 elk application. Mr. Greenwood requested the Department to send him a copy of the 2002-03 hunting regulations. He received a copy of the 2001-02 hunting regulations; and, as a result, he inadvertently applied for the big game drawing using the information contained in the 2001-02 regulations.

Mr. Greenwood was drawn for an archery antlerless elk hunt instead of the archery bull elk hunt he traditionally applies for. Mr. Greenwood requested that his bonus points be reinstated.

The Department did not feel a rehearing was warranted in this matter. The Department does not believe this was an agency appealable decision. The regulations are clearly marked on the cover page with the year and all Commission Orders have the entire year including the year provided as part of the season date. It is the responsibility of the applicant to use the correct regulations. The Department was concerned with using bonus points to address issues of this kind. The bonus point rule was specifically implemented to provide unsuccessful licensed hunters with a bonus point that might lead to an improved chance of being drawn. The rule does not address situations of this kind. Also, Mr. Greenwood acknowledged in his letter that he made the mistake.

Previous year's regulations are retained until the new regulations come out since some people request them and some of the information is still valid. Regulations were also available on the Department's web site within two weeks after the hunt set meeting in April. This was the first year hunters could go on-line to apply for the draw. Due to a programming error, 137 people were sent refunds for valid licenses they already possessed. Mr. Greenwood was a part of this group and he returned the check for the three nonresident licenses.

Ms. Kuryn described the process used when someone makes a telephonic request to receive the hunt regulations booklet. The requester is informed there is a \$3 postage fee and is asked to put the request in writing to the Department. There was no written request from Mr. Greenwood.

Richard Rico, Assistant Director for Special Services, noted Mr. Greenwood had applied for hunts in Arizona for several consecutive years. He usually applies for the same first choice hunt, which is the Unit 10 early bull archery hunt.

Mr. Greenwood was at today's meeting. He stated what the Department presented was accurate and he took full responsibility of marking his application incorrectly. He stated the envelope containing the regulations was postmarked on May 21, 2002, which was a few weeks prior to the June 11 deadline. He returned his tags to the Department. He returned his tags and the Department check for the hunting licenses.

Mr. Greenwood noted he usually applies for big game hunts (all but bighorn sheep) in Arizona each year. He did not get drawn for anything else; a deer tag was obtained over the counter.

Motion: Gilstrap moved and Melton seconded THAT THE COMMISSION VOTE TO DENY MR. STEPHEN GREENWOOD'S REQUEST FOR A HEARING TO REINSTATE HIS BONUS POINTS FROM THE FALL 2002 SEASON.

Vote: Gilstrap and Melton – Aye
Carter and Chilton – Nay

A brief recess was called by Chairman Golightly so that he could look at the information presented on this issue.

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Meeting recessed at 3:43 p.m.

Meeting reconvened at 3:53 p.m.

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Chairman Golightly noted a hunter must be careful when applying for big game hunts in multiple states. He would be inclined to give Mr. Greenwood his bonus points if the Department erred. Mr. Greenwood made an unfortunate error.

Vote: Chairman voted Aye
Motion carried 3 to 2

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16. An Overview of Potential Funding Options to Underwrite the Costs of the Annual Meet the Commission Awards Banquet

Presenter: Dana Yost, Executive Staff Assistant

For additional background information, see Commission meeting minutes for September 13, 2002, pages 19-20.

The following funding options have been identified as potential methods for underwriting a portion of the costs of the annual Meet the Commission Awards Banquet. Some of these options could be implemented for this coming January's awards event; others offer a more long-term funding solution.

1. Offer clubs, organizations or corporations the opportunity to buy tables, with perhaps half of the seating for club, organization or corporate personnel and the other half for guests (could be award recipients and their guests (if members of the club) or general "scholarships" for other award winners and their guests, if

- needed). This option could be implemented this year to solicit underwriting for the upcoming awards banquet.
2. Produce a tabloid-style newsletter/program for the event and sell advertising space. Publication would be an outreach tool for the Department and would include background information on commissioners, including highlights of the outgoing chairman's term of service; current issues and additional information similar to what is included in the Department's annual report and background on award winners. While a limited version of this option could be implemented this year, it is more of a long-term funding solution.
 3. Solicit club, organization or corporate sponsorship for costs associated with the event, e.g., program printing, food and beverage underwriting, AV and room charges, etc. This option could be implemented this year to solicit underwriting for the upcoming awards banquet.
 4. Individual fundraising efforts by commissioners. This option could be implemented this year.
 5. Seek increased fundraising involvement from the Wildlife for Tomorrow Foundation. This is a long-term funding solution.

Commissioner Carter thought options 1-3 were excellent approaches; 2 was long-term. He was willing to work on 4; option 5 could also be a long-term partnership. Commissioner Melton thought 4 and 1 could be combined.

Chairman Golightly suggested that Mr. Yost work on as many options as possible during the time that was available before this year's event.

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17. Peck Canyon Access Easement

Presenter: Fred Bloom, Development Branch Chief

Peck Canyon is located on the east side of the Atascosa Mountains in the Coronado National Forest. Forest Road 818 (Peck Canyon Road) passes through private property at the end of the pavement on Peck Canyon Road. The current access is three miles north of Rio Rico and two miles west of I-19 from the Peck Canyon Exit in Santa Cruz County.

Historically, Peck Canyon has provided the primary access route into the eastern side of the Atascosa Mountains. Presently, there is no legal public access into the area. The only available access traverses three separate parcels of private property and was closed last spring due to increased traffic and the close proximity of the road to residential structures. Since that time, the three landowners involved, the U.S. Forest Service and the Department have reached a verbal consensus to relocate the road away from residences. When reopened, this would provide permanent legal access to more than 30,000 acres of public land.

The landowners have all agreed to grant and donate a perpetual easement to the Department for constructing a road to provide public recreational access to lands on the

Coronado National Forest. In return, the Department has agreed to install a fence along the easement and a cattleguard at the forest boundary. The easement is 40 feet wide and 1688 feet long. The total area is 1.55 acres. A legal survey identifying the proposed roadway and the archeological survey have been completed. Preliminary easement agreements with all three landowners have been drafted.

Josh Avey, Region V (Tucson) Access Specialist, was present at the meeting. He believed the Forest Service would be responsible for maintaining the road and the cattleguard. He noted the participating landowners were Doug Lowell, Peggy Cumming and Mitch Hendrickson. Commissioner Chilton noted appreciation should be expressed for these people for granting free, perpetual access.

Motion: Gilstrap moved and Carter seconded THAT THE COMMISSION VOTE TO DIRECT THE DEPARTMENT TO PURSUE ACQUISITION OF A PERPETUAL EASEMENT THROUGH PECK CANYON.

Vote: Unanimous

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18. Call to the Public

There were no comments.

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19. Director's and Chairman's Reports

Director Shroufe attended the International Association of Fish and Wildlife Agencies (IAFWA) conference in Big Sky, Montana. After, he took some time off.

Director Shroufe attended a Management Team meeting, the Robert A. Jantzen memorial dedication at the Imperial National Wildlife Refuge.

Director Shroufe noted successful efforts with respect to the Mexican gray wolf reintroduction. He expected further input in the near future from Dale Hall, Regional Director for the U.S. Fish and Wildlife Service.

Director Shroufe was invited by Mr. Hall to attend a briefing by the Under Secretary of the Interior on the recovery plan and critical habitat designation for the cactus ferruginous pygmy owl. Mr. Hall supports our Department. The Department representative on the critical habitat designation project is Terry Johnson, Nongame Branch Chief.

Chairman Golightly worked on Bellemont issues and did some hunting.

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20. Commissioners' Reports

Commissioner Gilstrap attended the IAFWA conference and gave a report on the Commissioners' meeting. There was consensus at the conference to have a Commissioners' Forum at those meetings in order to have a more cooperative working relationship with the directors. Potential funding would be looked at for those states not able to send commissioners to the conferences to do so. This will be further discussed at

the January 2003 meeting of the Western Association of Fish and Wildlife Agencies. Commissioner Gilstrap also participated in the annual SECC trap and skeet shoot and he attended the Jantzen memorial dedication.

Commissioner Chilton attended an Altar Valley Conservation Alliance meeting where she met Steve Spangle, State Director for Ecological Services of the U.S. Fish and Wildlife Service. She participated on range monitoring project in the Coronado National Forest. She participated on the teleconference meeting earlier this month.

Commissioner Carter attended a Pima County Board of Supervisors meeting and spoke in support of the acquisition of the Buckelew Ranch. He received calls from sportsmen regarding incidents while hunting caused by Mexican gray wolves.

Commissioner Melton attended a Wildlife Conservation Council meeting and the Jantzen memorial dedication. He read a resolution adopted by the Yuma County Board of Supervisors in support of measures to provide water catchments for wildlife. A copy of the resolution is made a part of these minutes under Item 3 (Federal and State Lands Update).

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21. Approval of Minutes

Motion: Carter moved and Gilstrap seconded THAT THE MINUTES FOR THE TELEPHONE CONFERENCE CALL ON SEPTEMBER 5, 2002, AND MEETING OF SEPTEMBER 13-14, 2002, BE APPROVED.

Vote: Unanimous

The minutes for August 9-10, 2002 were signed.

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Motion: Melton moved and Carter seconded THAT THE MEETING ADJOURN.

Vote: Unanimous

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Meeting adjourned 4:38 p.m.

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Saturday, October 19, 2002 – 8:00 a.m.

Chairman Golightly called the meeting to order at 8:00 a.m. The commissioners introduced themselves and Chairman Golightly introduced Director's staff. The meeting followed an addendum dated October 15, 2002.

Chairman Golightly recognized former Commissioner Frances Werner who was present in today's audience.

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Awards and Commissioning of Officers

The following employees received pins for years of service with the Department:

Bruce Taubert, Assistant Director (Wildlife Management Division) – 20 years

Gerry Perry, Region V (Tucson) Supervisor – 25 years

John Diehl, Fisheries Branch (Page Springs Fish Hatchery) – 25 years

Bill Werner, Habitat Branch (Aquatic Habitat Coordinator) – 25 years

Roger Sorensen, Fisheries Branch (Hatchery Program Manager) – 25 years

Chairman Golightly gave recognition to the following employees for awards received since the last Commission meeting.

Stewart Kohnke, Wildlife Manager, Region IV (Yuma)-John Russo Award from the Arizona Desert Bighorn Sheep Society

Jim deVos, Research Branch Chief- 2002 Wildlife Publication Award from The Wildlife Society

Don Turner, Range Master, Ben Avery Shooting Facility-Marlin R. Scarborough Award from the National Rifle Association

Arizona Game and Fish Department-Award of Merit from Valley Forward in the Salt River Project Centennial Award Category

Arizona Game and Fish Department-Sonoran Sea Aquarium Award from the Sonoran Sea Aquarium Foundation

Education Branch-State Agency Challenge 2002 Top 10 State Award from the National Shooting Sports Foundation

Information Branch, Audio-Visual Section and Joe Janisch, Information Branch Chief- Recognition from the International Association of Fish and Wildlife Agencies for creating the 100th Anniversary video of IAFWA

An award of appreciation was presented to Region VI (Mesa) from the Rocky Mountain Elk Foundation for dedication for wildlife conservation and hard work in saving wildlife and habitat in the Rodeo-Chediski wildfire. Jim Warnecke, Fisheries Program Manager for Region VI accepted the award for the region.

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1. Briefing on Fisheries Program Accomplishments During 2001 and 2002

Presenter: Larry Riley, Fisheries Branch Chief

Mr. Riley introduced the Regional Fisheries Program Managers who were present at today's meeting, as well as the staff of the Fisheries Branch and Department employees who were involved in the fisheries program.

A presentation was provided to the Commission highlighting fisheries management program activities, achievements, challenges and accomplishments since last October. Insights were also provided into challenges and activities for the months to come.

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2. Request to Amend Commission Order 40 (Fish) Concerning Specific Proposals for Bag and Possession Limits, Special Regulations and Specific Closures for Sport Fishing for Calendar Year 2003

Presenter: Larry Riley, Fisheries Branch Chief

A Powerpoint presentation was provided.

As part of the public input process, the Department hosted five public meetings statewide and conducted a statewide survey by mail of licensed anglers. Public comment on proposed regulation changes was also invited by email.

Trout-Legal fish and daily bag and possession limits

Three management recommendations were proposed for the Lee's Ferry area. The recommendations include liberalization of the allowable bag and possession limits and the maximum size limit for trout taken from that location. The recommendations would also modify the boundaries of the area at Lee's Ferry under the "blue ribbon" fisheries management concept.

The proposed changes in Commission Order 40:

1. Colorado River-From the Glen Canyon Dam to the upstream end of the Paria Riffle (to be clearly signed), trout over 12" may not be possessed. The daily bag limit shall be four trout per day and eight trout total in possession. Trout taken from this area shall be killed immediately and retained as part of the bag limit or immediately released.

Rationale for this proposed change was explained.

2. Colorado River-From the upstream end of the Paria Riffle to 21-Mile Rapids, including all tributaries within that section of the Grand Canyon, the limit shall be six trout in the daily bag, eight in possession.
3. Portion of the Colorado River from the Glen Canyon Dam to the upstream end of the Paria Riffle-fish shall be taken by artificial lures and flies only with barbless hooks.

Signage would assist anglers at Lee's Ferry. Information would be provided about the location of the regulation boundaries on the river.

Mr. Riley stated there was an environmental assessment with regard to proposed experimental flows at Glen Canyon Dam, which are a part of the Adaptive Management

process set up for the operation of the dam. There were three parts to the proposal. These include potential spike release or habitat beach building flows and an attempt to reduce trout recruitment with a series of daily fluctuating flows starting in the winter. There was some controversy with the proposed flow actions at Glen Canyon. The Department would be intensely monitoring the effects of the changed fisheries and experimental flows. A reliable, scientifically defensible creel program must be maintained at Lee's Ferry. A good population model has been built using many years of creel data from Lee's Ferry.

Commissioner Carter was concerned about maintaining a blue ribbon fishery at Lee's Ferry while meeting the mandate for protecting the humpback chub, an endangered species. Mr. Riley stated one of the written goals of the Adaptive Management work group was to maintain the quality trout fishing opportunity at Lee's Ferry.

Chairman Golightly was concerned about the public misinterpreting what was the upstream end of the Paria Riffle. Mr. Riley recommended that each place where "upstream end" appears be changed to "the beginning" of the Paria Riffle. He would work with the National Park Service to communicate that to the public, not only in the regulations, but in how the area was marked. He would also work with our enforcement officers to ensure the appropriate amount of discretion in enforcing.

Mr. Riley explained why the Paria Riffle was used as the dividing point instead of the Paria River. One of the concerns was that the mouth of the river shifts. Another concern was using bait at the pool that forms at the mouth of the river, and its potential impact on a native fish (flannelmouth sucker) that congregate at the mouth. It is more likely mortality rates for the sucker would be higher if bait were used.

Motion: Carter moved and Gilstrap seconded THAT THE COMMISSION VOTE TO ADOPT THE PROPOSAL WITH THE MODIFICATION SUGGESTED, INCREASING THE BAG AND POSSESSION LIMIT FOR TROUT AND DECREASING THE MAXIMUM SIZE LIMIT FOR TROUT AT LEE'S FERRY ABOVE THE PARIA RIVER, INCREASING THE BAG LIMIT FOR TROUT AND ELIMINATING THE MAXIMUM SIZE LIMIT FOR TROUT BETWEEN THE PARIA RIVER AND 21-MILE RAPID, AND ALLOWING THE USE OF BAIT BETWEEN THE PARIA RIVER AND 21-MILE RAPID.

Vote: Unanimous

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Meeting recessed at 9:30 a.m.

Meeting reconvened at 10:00 a.m.

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Public comment

Jerry Nelson, representing Southwest Walleye Anglers, was concerned about the artificial floods to build up the beaches. Some other options needed to be considered.

Designated Urban Fishing Lakes: Seasons

Add Surprise Lake to the Urban Fishing Program.

Motion: Chilton moved and Carter seconded THAT THE COMMISSION VOTE TO ADOPT THE PROPOSAL AS WRITTEN, ADDING SURPRISE LAKE AT THE CITY OF SURPRISE TO THE LIST OF DESIGNATED URBAN FISHING LAKES AND BY DOING SO APPLY THE URBAN FISHING REGULATIONS (COMMISSION ORDER 40 (IV)(A)) AT THAT LOCATION.

Vote: Unanimous

Closed to Fishing

On the Apache-Sitgreaves National Forests (A-S), close the West Fork of the Black River to fishing from the upstream Apache Trout Fish Barrier to a point 100 yards downstream of the lower Apache Trout Fish Barrier (approximately 0.33 miles).

Motion: Carter moved and Melton seconded THAT THE COMMISSION VOTE TO ADOPT THE PROPOSAL AS WRITTEN, CLOSING TO FISHING THAT SEGMENT OF THE WEST FORK OF THE BLACK RIVER FROM THE UPPER MOST APACHE TROUT BARRIER TO A POINT 100 YARDS DOWNSTREAM OF THE LOWER MOST APACHE TROUT BARRIER.

This was moved and seconded subject to the proviso that the Department do signage and education and outreach to the public.

Vote: Unanimous

Clarifications Proposed for Commission Order 40:

Several amendments to Commission Order 40 are proposed for clarification purposes. These are intended to assist the public in interpretation of the regulations.

The Department proposes to amend Commission Order 40 to clarify dates that special regulations end or change.

I. General Sport Fishing

A. Legal fish and daily bag and possession limits

l. Trout

...and from October 1 ~~to April 1~~ through March 31 **Silver Creek** in Navajo County...

m. Unlimited rainbow and brown trout from September 1 ~~to April 1~~ through March 31 from the following waters.

III. Artificial Lures and Flies Only

A. **Becker Lake** in Apache County from October 1 ~~to May 25~~ through May 24;...

B. ...from October 1 ~~to April 1~~ through March 31, **Carnero Lake** in Apache County...

Motion: Melton moved and Carter seconded THAT THE COMMISSION VOTE TO ADOPT THE PROPOSAL AS WRITTEN, REPLACING THE TERM “TO” WITH THE TERM “THROUGH” IN THE LOCATIONS INDICATED.

Vote: Unanimous

Commission Order 40 indicates to the public that certain native species are protected statewide and may not be possessed. The regulations refer to these fishes by both their common and scientific names. From time to time, scientific names are subject to revision in scholarly literature. These changes should be reflected in the provisions of Commission Order 40.

Proposed Commission Order 40: Language

- I. General Sportfishing Seasons
 - A. Legal fish and daily bag and possession limits
 - 9. Native Fish
 - c. Quitobaquito pupfish (Cyprinodon macularius eremus) ...

Motion: Carter moved and Melton seconded THAT THE COMMISSION VOTE TO ADOPT THE PROPOSAL AS WRITTEN, MODIFYING THE SCIENTIFIC NAME OF QUITOBAQUITO PUPFISH.

Vote: Unanimous

Motion: Carter moved and Melton seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 40: FISH, AS AMENDED, ESTABLISHING OPEN SEASONS, OPEN AREAS, AND BAG AND POSSESSION LIMITS FOR CALENDAR YEAR 2003.

Vote: Unanimous

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3. Request to Adopt Commission Order 25: Raptors

Presenter: Terry B. Johnson, Nongame Branch Chief

The Department made the following recommendations regarding Commission Order 25 for 2003:

1. Addition of two gender related peregrine falcon hunts (21,003, 21,004)
2. Revising existing peregrine falcon hunts (21,001, 21,002) to be gender related
3. Distribution of bag limits to compensate for the addition of two peregrine falcon hunts
4. Addition of Rule numbers to the Notes referenced
5. Addition of one Note to ensure compliance with new Federal Falconry Guidelines with regard to the peregrine falcon hunt
6. Change all dates to refer to the appropriate calendar years
7. Change wording and notes as necessary to ensure consistency with other Commission Orders previously approved by the Commission

Motion: Carter moved and Melton seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 25: RAPTORS, ESTABLISHING OPEN AREAS, SEASON DATES AND BAG AND POSSESSION LIMITS FOR 2003, AS PROPOSED BY THE DEPARTMENT.

Vote: Unanimous

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4. Request to Adopt Commission Order 41: Amphibians

Presenter: Terry B. Johnson, Nongame Branch Chief

The Department made the following recommendations regarding Commission Order 41 for 2003:

1. Adding Rio Grande leopard frogs and allow for unlimited dead bag and possession within the prescribed area here defined: Yuma County in its entirety and those additional areas east of the Colorado River; north of I-8; west of I-10 and I-17; and south of State Route 74, U.S. 60 and I-10, except that portion of the Hassayampa River between Wickenburg and Morristown.
2. All dates must be changed to refer to the appropriate calendar year
3. Wording and format should be changed as necessary to improve clarity and to ensure consistency with other Commission Orders previously approved by the Commission.

Motion: Carter moved and Melton seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 41: AMPHIBIANS, ESTABLISHING OPEN AREAS, SEASON DATES AND BAG AND POSSESSION LIMITS FOR 2003 AS PROPOSED BY THE DEPARTMENT.

Vote: Unanimous

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5. Request to Adopt Commission Order 42: Crustaceans and Mollusks

Presenter: Terry B. Johnson, Nongame Branch Chief

The Department made the following recommendations regarding Commission Order 42 for 2003:

1. No change in species coverage; no changes in bag or possession limits for any species covered, and no other substantive changes.
2. Change all dates to refer to the appropriate calendar year
3. Change wording and notes as necessary to ensure consistency with other Commission Orders previously approved by the Commission.

Motion: Carter moved and Gilstrap seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 42: CRUSTACEANS AND MOLLUSKS, ESTABLISHING OPEN AREAS, SEASON DATES AND BAG AND POSSESSION LIMITS FOR 2003 AS PROPOSED BY THE DEPARTMENT.

Vote: Unanimous

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6. Request to Adopt Commission Order 43: Reptiles

Presenter: Terry B. Johnson, Nongame Branch Chief

The Department made the following recommendations regarding Commission Order 43 for 2003:

1. No substantive changes are made.
2. All dates must be changed to refer to the appropriate calendar year
3. Wording and format should be changed as necessary to improve clarity and to ensure consistency with other Commission Orders previously approved by the Commission.

Motion: Carter moved and Chilton seconded THAT THE COMMISSION VOTE TO ADOPT COMMISSION ORDER 43: REPTILES, ESTABLISHING OPEN AREAS, SEASON DATES AND BAG AND POSSESSION LIMITS FOR 2003 AS PROPOSED BY THE DEPARTMENT.

Vote: Unanimous

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7. Consideration of Applications for Special Big Game Hunt License-Tags for Mule Deer, White-tailed Deer, Antelope, Elk, Turkey, Javelina, Bighorn Sheep, Buffalo, and Black Bear for 2003-2004

Presenter: Tice Supplee, Game Branch Chief

The Department received applications for Special Big Game License-Tags from the following non-profit organizations:

Arizona Antelope Foundation (AAF): Two antelope tags-one to be auctioned at the Arizona Desert Bighorn Sheep Society fundraiser banquet in March 2003 and the other at the Arizona Mule Deer Association fundraiser banquet in March 2003.

Arizona Desert Bighorn Sheep Society (ADBSS): Two bighorn sheep tags-one to be auctioned at either the Foundation for North American Wild Sheep convention in January 2003 or at the Society's fundraiser in March 2003. The other will be raffled with the drawing held at the September 2003 hunter award banquet.

One buffalo tag to be auctioned at the Society fundraiser.

Arizona Elk Society (AES): Two elk tags-one to be auctioned at the Society's annual fundraising banquet in March 2003 and one to be raffled, with the drawing to be held at the Society's annual meeting in August 2003.

Arizona Mule Deer Association (AMDA): Two mule deer tags, One white-tailed deer tag, One buffalo and One javelina tag-all tags to be auctioned at the AMDA annual fundraiser in March 2003.

AMDA also requests consideration for any Special Big Game Tags not specifically awarded to other conservation groups.

Mule Deer Foundation (MDF): One mule deer tag; One white-tailed deer tag, and Two javelina tags-All to be auctioned at the 2003 national convention to be held in February.

National Wild Turkey Federation (NWTF): Two turkey tags-both to be auctioned at the NWTF 2003 annual convention.

Rocky Mountain Elk Foundation (RMEF): Two elk tags-one to be auctioned at the 2003 RMEF International Elk Camp; the other, to be raffled as a fundraising project by Arizona RMEF chapters.

One white-tailed deer tag and one buffalo tag-both to be auctioned at an Arizona RMEF Chapter's annual big game banquet.

Safari Club International, Arizona Chapter-Tucson (SCI-ACT): One white-tailed deer tag-to be either auctioned at the fundraiser in January 2003 or raffled at the discretion of the Game and Fish Commission.

One buffalo tag, one antelope tag, one black bear tag and one javelina tag-all to be auctioned at the 2003 fundraiser in January 2003.

Safari Club International, Phoenix Chapter (SCI-PHX): One white-tailed deer tag and one javelina tag-to be auctioned at the fundraising banquet in March 2003.

One black bear tag-to be raffled at a trophy room tour in January 2003.

One or more buffalo tags, mule deer tags and special antelope tags-requests consideration for tags to be auctioned at the fundraising banquet in March 2003.

A summary of all the organizations' fundraisers and projects for the past year was attached to the Commission memo.

Public comment:

Pete Cimellaro, representing the Arizona Antelope Foundation, requested the special antelope tags.

Motion: Melton moved and Carter seconded THAT THE TWO AUCTION ANTELOPE TAGS BE AWARDED TO THE ARIZONA ANTELOPE FOUNDATION.

Vote: Unanimous

Motion: Chilton moved and Carter seconded THAT ONE AUCTION BLACK BEAR TAG BE ASSIGNED TO SAFARI CLUB INTERNATIONAL-ARIZONA CHAPTER

AND ONE RAFFLE BLACK BEAR TAG BE ASSIGNED TO SAFARI CLUB INTERNATIONAL-PHOENIX CHAPTER.

Vote: Unanimous

Motion: Carter moved and Chilton seconded THAT BOTH BIGHORN SHEEP TAGS BE ALLOCATED, ONE AUCTION AND ONE RAFFLE, TO THE ARIZONA DESERT BIGHORN SHEEP SOCIETY.

Vote: Unanimous

Public comment

Gilbert Houseaux, representing Safari Club International-Phoenix Chapter requested the special buffalo tags to auction.

Bob Davies, representing the Arizona Mule Deer Association, requested a special buffalo tag to auction.

Pete Cimellaro, representing the Arizona Desert Bighorn Sheep Society, requested a special buffalo tag to auction.

Motion: Chilton moved and Melton seconded THAT THE COMMISSION GRANT ONE AUCTION BUFFALO TAG TO THE ARIZONA ELK SOCIETY AND ONE AUCTION BUFFALO TAG TO THE ROCKY MOUNTAIN ELK FOUNDATION.

Vote: Chilton and Melton – Aye
Gilstrap and Carter – Nay

Chairman Golightly stated he was interested in the financial aspect and wanted to take the monies as far as they could be taken.

Chairman voted Nay
Motion failed to pass

Motion: Carter moved and Chilton seconded THAT ONE AUCTION BUFFALO TAG BE AWARDED TO THE ARIZONA MULE DEER ASSOCIATION AND ONE AUCTION BUFFALO TAG BE AWARDED TO THE ROCKY MOUNTAIN ELK FOUNDATION.

Vote: Unanimous

Public comment

Dan Hunter, representing the Rocky Mountain Elk Foundation, requested the special elk tags. A water hauling proposal for elk was distributed to the Commission. Drought conditions will affect the amount of money that is offered for the special tags. The RMEF submitted a proposal for a conservation easement to the State Land Department on 1200 acres targeted for development on the South Fork. Funds will be raised by

RMEF to pay for the easement. The RMEF will guarantee \$125,000 for one auction tag if the tag was granted by the Commission.

Ron Eichelberger, representing the Arizona Elk Society, requested the special elk tags. He gave an update on where the Society has been and where it was going. Last year's banquet netted \$216,000, which is far more than any other wildlife fundraisers have raised in Arizona. He guaranteed \$250,000 for the two elk tags for benefit of elk and elk projects in Arizona.

Motion: Melton moved and Carter seconded THAT THE ARIZONA ELK SOCIETY RECEIVE BOTH AUCTION AND RAFFLE ELK TAGS.

Amended Motion: Golightly moved and Chilton seconded THAT ONE AUCTION ELK TAG GO TO THE ROCKY MOUNTAIN ELK FOUNDATION AND ONE RAFFLE ELK TAG TO THE ARIZONA ELK SOCIETY.

Mr. Odenkirk stated if an amendment has been seconded, the Commission votes on the amendment. If the amendment passes, the original motion must be voted on as amended.

Chairman Golightly stated he has been involved with the Rocky Mountain Elk Foundation (RMEF) and it has raised a lot of money for Arizona. Both the RMEF and Arizona Elk Society are very aggressive in raising funds for elk in Arizona. The Habitat Partnership Committee was originally called the Elk Habitat Partnership Program and it was almost entirely funded by RMEF. These were two fine organizations in Arizona and he recommended splitting the elk tags.

Commissioner Melton's position was that there was a state organization; we have two state tags and there was a state group and a national group. He felt the state group should benefit from the state tags and suggested allowing one tag to be auctioned at the RMEF national convention. Ms. Supplee noted the process requires the organizations to specify the venue and method; right now specifications from the organizations do not include what has been suggested for how the auction tag will be dealt with. The organizations would have to agree to a formal motion directing them as to what venue would be used for the auction tag.

Vote on Amended Motion: Chilton – Aye
Carter, Gilstrap and Melton – Nay
Chair voted Aye
Motion failed

Vote on Original Motion: Carter and Melton – Aye
Chilton – Nay

Commissioner Gilstrap explained his forthcoming vote. It was incumbent on the Commission to work with these groups and have them work together. These two groups have the same overall philosophy. He supported Commissioner Melton's motion.

Gilstrap – Aye
Chair voted Nay
Motion carried 3 to 2

Motion: Carter moved and Melton seconded THAT THE SAFARI CLUB INTERNATIONAL-ARIZONA CHAPTER RECEIVE ONE AUCTION JAVELINA TAG AND SAFARI CLUB INTERNATIONAL-PHOENIX CHAPTER RECEIVE ONE AUCTION JAVELINA TAG.

Vote: Carter, Gilstrap and Melton – Aye
Chilton – Nay
Motion passed 3 to 1

Public comment

Todd Rathner, representing the Mule Deer Foundation (MDF), stated there were two projects going on for mule deer that were important in American history. One of the most critical projects the MDF is funding is the mapping of mule deer habitat throughout the western United States. The other is the Santa Fe Trail Mule Deer Adaptive Management Project, which is the largest private land mule deer management project in American history. It is believed this project will lead to a lot of prescriptions for mule deer in the West. The MDF contributed this year to drought relief; monies not used for that purpose were diverted to another Arizona project to purchase a bobcat loader for the Department to use with the brush cutter that was bought for the Department last year. Other projects were noted. He committed at least \$20,000 would be spent on projects next year in Arizona.

Bob Davies, representing the Arizona Mule Deer Association, asked the Commission to grant them both mule deer tags.

Commissioner Melton stated again there was a state organization and a national organization. The Commission should support the state organization first because these were state tags. This did not, however, reflect on the work of the national group.

Motion: Melton moved and Carter seconded THAT THE TWO AUCTION MULE DEER TAGS BE AWARDED TO THE ARIZONA MULE DEER ASSOCIATION.

Commissioner Chilton wanted to facilitate cases where there were two groups working together so that benefits from both state and national organizations can be enjoyed.

Vote: Carter, Gilstrap and Melton – Aye
Chilton – Abstained
Motion passed

Motion: Golightly moved and Carter seconded THAT THE NATIONAL WILD TURKEY FEDERATION RECEIVE TWO AUCTION TAGS FOR TURKEY.

Vote: Unanimous

Public comment

Bob Davies, representing the Arizona Mule Deer Association, guaranteed \$15,000 for one whitetail auction tag.

Gilbert Houseaux, representing the Safari Club International- Phoenix Chapter, was confident his organization could raise more money this coming year than in previous years (\$13,500).

Motion: Melton moved and Chilton seconded THAT THE ARIZONA MULE DEER ASSOCIATION RECEIVE ONE AUCTION WHITETAIL TAG AND THE MULE DEER FOUNDATION RECEIVE ONE AUCTION WHITETAIL TAG.

Vote: Unanimous

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Meeting recessed at 11:32 a.m.

Meeting reconvened at 11:50 am.

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8. Hearing on Proposed Commission Order 29 for Special Big Game License-Tag Seasons for Mule Deer, White-tailed Deer, Antelope, Elk, Turkey, Javelina, Bighorn Sheep, Buffalo and Black Bear for 2003-2004

Presenter: Tice Supplee, Game Branch Chief

Recommended open areas and season dates for the special license-tag hunts were:

Mule Deer: September 1, 2003-February 28, 2004

Valid for Units 1-16A (except Camp Navajo) and 17A-45C (except Fort Huachuca, but including the Kofa NWR)

White-tailed Deer: September 1, 2003-January 31, 2004

Valid for Units 6A, 6B (except Camp Navajo), 8, 21, 22, 23, 24A, 24B, and 27-36C (except Fort Huachuca)

Antelope: August 1-October 9, 2003

Valid for Units 1-10 (except Camp Navajo), 12A, 12B, 13A, 13B, 15A, 15B, 17A, 17B, 18A, 18B, portions of 19A, 19B, 21, 30A, 31, 32, 34B, 35A (except Fort Huachuca), and 35B

Elk: September 1-December 31, 2003

Valid for Units 1, 2B-10 (except Camp Navajo), 12A, 12B, 16A (except Mohave County Park Lands), 17A, 17B, 18A, 18B, 19A, 19B, 21, 22, 23, 27, 28, 31 and 44A

Javelina: October 1, 2003-March 31, 2004

Valid for Units 1-6B (except Camp Navajo), 8, 10, 15A, 15B, 15C, 15D, 16A (except Mohave County Park Lands), 17A-24B, 27-37M (except Fort Huachuca), and 39-44B

Turkey: April 1-May 31, 2003

One tag will be valid for Units 1, 3B-10 (except Camp Navajo), 12A, 13A, 13BS, 17A, 17B, 20A, 22, 23, and 27. The second tag will be valid for these units and Unit 35A (except Fort Huachuca)

Bighorn Sheep: October 1, 2003-January 31, 2004

The raffled tag will be valid for Units 9, 10, 12A, 12B, 13A, 13B, 15A, 15B, 15C, 15D and 16A.

The auctioned tag will be valid for Units 1, 16B (north of Lake Havasu City), 22, 27, 28, 31, 32, 37A, 39, 40A, 40B, 41, 43A, 43B, 44A (west of Swansea Road), 44B, 45A, 45B, 45C (including the Kofa NWR), 46A, and 46B (including the Cabeza Prieta NWR). Unit 32 south of Township 8 south is open to the auction tag and will be closed to the general season hunter for 2003 in a rotation approved by the Commission in October 2000.

Buffalo: September 1, 2003-June 30, 2004

Valid for the House Rock Wildlife Area in Units 12A and 12B.

Black Bear: March 21-May 31, 2003

Valid for Units 1, 3B, 27 31 and 32.

Ms. Supplee noted a correction in the footnote for bighorn sheep. New footnote 4 will read, "All bighorn sheep hunters, including the unsuccessful, must personally check-out within three days following the close of the season in accordance with R12-4-308. Bighorn sheep hunt checking stations will be operated at Department Regional and Phoenix offices Monday through Friday, 8 AM to 5 PM in accordance with R12-4-308."

Motion: Carter moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 29, AS CORRECTED FOR BIGHORN SHEEP, SPECIAL HUNTS, AS PROPOSED.

Vote: Unanimous

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9. Call to the Public

Pete Cimellaro, representing the Wildlife Conservation Council, noted two items were being discussed among a number of the sportsmen's conservation organizations and would be a topic of conversation at the Council's meeting on Tuesday. There should be a way for alternate tags to be given to hunters. Currently, there is no way to do this. There is so much demand for the tags. There should be a way to allocate tags that were given back (unused) to the Department. This would involve a legislative change but other states have alternate application systems when people do not qualify getting tags or cannot use them. Also, the application pool has increased. A person gets a bonus point for a species if not drawn for a tag for that species, along with a permanent hunter safety bonus point once the Arizona course has been taken and passed. Conservation bonus

points were mentioned. He was a strong advocate of wildlife conservation organizations and sportsmen involvement in wildlife conservation organizations. The opportunity should be explored for the agency to enter into an agreement with these organizations to promote conservation bonus tags. Criteria should be established where bonus points could be given to sportsmen who give their time in the field to assist the agency so they may have an extra opportunity to get drawn. Administration of such a program would be reasonable and could be done. It would encourage in-state people to get involved in conservation.

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10. Presentation by Jerry Nelson, President of Southwest Walleye Anglers

Presenter: Bruce Taubert, Assistant Director, Wildlife Management Division

Mr. Nelson gave a brief history of the Southwest Walleye Anglers and described projects the club is involved in. The organization assisted the Department in stocking of walleye sac fry or fingerlings in Canyon, Saguaro and Apache Lakes. Public education efforts with the cooperation of the Department were noted.

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11. Presentation by Megan Mosby from Liberty Wildlife

Presenter: Bruce Taubert, Assistant Director, Wildlife Management Division

A pamphlet describing Liberty Wildlife was distributed to the Commission. Ms. Mosby gave the historical background of the wildlife rehabilitation center. This year over 3500 native animals were cared for at the center, which is 1000 more animals than last year. Its public education program was described. The Center is involved in wildlife surveys and monitoring. The Center is in the process of relocating near Papago Park.

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12. Request to Approve 6-Year Project Narrative for the Department's State Wildlife Grants Program

Presenter: Terry B. Johnson, Nongame Branch Chief

Congress established the new State Wildlife Grants (SWG) Project last year with focus on wildlife conservation and emphasis on Species of Greatest Conservation Need and species that do not receive reasonable support from traditional funding sources. Congress specifically excluded recreation as a lawful program component and restricted outreach (education/information) and law enforcement to "minority components of the wildlife conservation projects."

All SWG activities will use state funds from a variety of sources to match against federal monies that are newly available to the agency. The Department expects the Heritage Fund would be our primary source of match, but in-kind contributions of cooperator labor

and material, and any other appropriate sources, would also be used to the extent they are available.

SWG funds available to Arizona in FY 02 total \$1,837,803 (federal share). Congress structured a different match rate than seen previously. Planning projects are available at a 3:1 match ratio; implementation projects require a 1:1 match.

Activities currently being considered under the SWG Project Narrative include:

Proposed Project	Federal Costs
Comprehensive wildlife conservation planning	\$ 135,000
Responses of vegetation & wildlife to the Ryan Burn	50,000
Conservation of mollusks of Greatest Conservation Need	50,000
Native fish conservation planning	105,000
Native fish conservation implementation	50,000
Roundtail chub population assessment in lower Salt/Verde Rivers	28,000
Sonora tiger salamander conservation	32,000
Ranid frog conservation	90,000
Desert tortoise conservation	80,000
Amphibians & reptiles conservation program management	120,000
Importance of desert waters to mammals & migratory birds	142,500
Importance of small aspen stands to productivity of forest birds	75,000
All Birds Conservation Program Planning	90,000
All Birds Conservation Plan Implementation	50,000
Migration, habitat selection & demography of burrowing owls	100,800
Bald eagle conservation	120,000
Bat conservation planning	60,000
Bat conservation implementation	30,000
Pronghorn nutrition & recruitment	88,050
Anderson Mesa pronghorn operational plan	65,000
Apache trout barrier monitoring & evaluation	100,000
Rodeo-Chediski fire effect on forest structure	69,000
Rodeo-Chediski fire impacts on Salt River fishes (Phase 1)	12,000
Outreach for SWG Projects	<u>91,890</u>
	\$1,834,240

This list meets the congressional intent. The first project (Comprehensive wildlife conservation planning) was noted as being the most confusing of the SWG program. The Wildlife Conservation Restoration Program requires each state receiving funds under that program to develop a wildlife conservation strategy. The strategy must identify seven basic elements of prioritization for species. The strategy is to be submitted to the U.S. Fish and Wildlife Service (FWS) by October 1, 2006. Congress requires states to submit by October 1, 2005, a Comprehensive Wildlife Conservation Plan, which has the same elements of the wildlife conservation strategy. Congress will be considering further refinements in the guidance for the plan. The Department will use this project to help underwrite the Department's planning efforts for its next strategic plan.

The other identified projects cannot be funded without a project narrative being submitted to the FWS. The narrative is almost identical to the Wildlife Conservation Restoration Project narrative that the Commission approved a year and a half ago.

Motion: Carter moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE THE DEPARTMENT'S STATE WILDLIFE GRANTS PROGRAM WILDLIFE CONSERVATION PROJECT NARRATIVE FOR FISCAL YEARS JULY 2002 THROUGH JUNE 2008, AND TO AUTHORIZE THE DIRECTOR TO AMEND OR EXTEND THEM AS NECESSARY.

Vote: Unanimous

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13. Request to Amend Commission Order 6: Javelina

Presenter: Tice Supplee, Game Branch Chief

At the August Commission meeting when spring 2003 hunts were presented, the Department inadvertently recommended, and the Commission approved as part of Commission Order 6, a Juniors-only javelina hunt (Hunt No. 5035; 200 permits) that completely overlaps hunt dates with a HAM javelina hunt (Hunt No. 5045; 300 permits) in Unit 23 (both have dates of February 14-20, 2003). This hunt structure is likely to draw complaints from Juniors-only hunters because hunter densities from both hunts will not result in a favorable hunting opportunity, as well as complaints from HAM hunters because hunters with rifles will be permitted to hunt during the same time period when they are limited to HAM weapons.

To address this, the Department proposed creation of a new Juniors-only hunt in Unit 23 with a maximum of 200 permits and the dates of February 7-13, 2003. Successful applicants for the Juniors-only Hunt No. 5035 could then be encouraged to trade their tags for this alternate hunt that has hunt dates prior to the HAM hunt.

Because some hunters may have already scheduled leave for the approved dates, the Department also recommended the Commission authorize up to an additional 30 tags in general hunts 5001 (Unit 6A, originally 200 permits); 5004 (Units 17A and B, originally 400 permits); 5006 (Unit 19A, originally 200 permits); 5007 (Unit 19B, originally 200 permits); and 5015 (Unit 27, originally 300 permits) for juniors-only hunters to select on a first-come basis if they prefer not to select the new hunt in Unit 23.

Motion: Chilton moved and Gilstrap seconded THAT THE COMMISSION APPROVE THE AMENDMENT TO COMMISSION ORDER 6, JAVELINA, AS PRESENTED.

Vote: Unanimous

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6. Statewide Shooting Range Project Update – cont'd.

Commissioner Carter noted there has been a lot of debate among the public regarding Ben Avery and its future. He wanted to respond to a Freedom of Information Act request from yesterday. This could be accomplished if the Department was directed to establish

agendas for future meetings of the committee and to provide notice with a specific emphasis on notifying the user groups and public at Ben Avery of those meetings.

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14. Future Agenda Items

Commissioner Carter asked the Department to prepare for the next meeting a draft letter to the Governor from the Commission that discusses the Rangeland Technical Advisory Council's briefing and how the grazing issues affect the Department and ask her to convey the Commission's concerns with regard to wildlife and wildlife needs to the next level (Western Governors Association)

Commissioner Chilton asked the Department to prepare a study comparing the effects of fire on the pretreated areas in Region I during the decade prior to the fire with the effects of the fire in areas that were untreated during the same period. Director Shroufe stated several congressional briefings on the fire were attended. The Forest Service, along with the White Mountain Apaches, has done a good job compiling that data and that information could be compiled and provided to the Commission. Commissioner Chilton wanted to also look at the size of the pretreatment area. The Department would work with her on the presentation.

With regard to noticing agenda items for Commission action, Mr. Odenkirk reminded the Commission that a number of action items could result from a briefing. The Open Meeting Law requires that the public be notified with reasonable specificity as to what type of action the Commission will be taking during an item. It's important to describe proposed actions. If the briefing states nothing about the Commission taking action but action would be reasonably related to an agenda item, the Commission would be okay in taking action so long as the public would have an understanding it would result from the agenda item. Commissioner Carter was concerned about briefings being given such as the Technical Rangeland Council. It would have been nice, if the Commission had the flexibility under the agenda item, to direct the Department to prepare a letter stating its concerns for Commission consideration at the next meeting related to this item, as opposed to just sitting and listening to the briefing. Regarding agenda items similar to the federal lands update, Mr. Odenkirk suggested the agenda remain silent as to an action and that any action brought up on the floor at that time be evaluated for appropriateness in light of the agenda. Commissioner Carter asked if action was left silent, would the Commission have the flexibility to direct the Department to do something at a future meeting if it was related to the issue. Commissioner Carter stated he would be uncomfortable doing nothing after a presentation. Mr. Odenkirk believed giving direction would be acceptable because the public would have an opportunity to return in a discussion about the particular issue. The Commission would only be directing further action. He added sometimes the Commission does not know what kind of action it will take. If an action is proposed as a result of a general briefing, would it be an item the public would want to participate in the discussion. If so, it would be better to postpone the action to a later date if it involves drafting a letter that the Commission would consider at a later date. Director Shroufe noted the draft agenda is sent to the Commission for review several days before it is finalized.

Commissioners Carter and Chilton requested a report regarding the Director's meeting with the Regional Forester on consistent application of law and policy on shooting

ranges as a compatible use. As a result of the report, an action item probably would be generated. Director Shroufe noted the Commission had the ability to take action under the shooting range update. Director Shroufe would send a written report to the Commission prior to the December meeting.

Commissioner Carter wanted to add the Frye Mesa update to the federal lands item at each meeting. He thought there was opportunity for broad-based partnerships.

Commissioner Gilstrap mentioned an item related to instructions for submitters of information to explore development opportunities at Ben Avery. The second from the third paragraph has a term in the narrative that states, "the Commission is developing terms and conditions under which the Commission might dispose of subject property." He wanted to put on public record that the Commission was not interested in disposing that property; the information was to explore opportunities for the property. The use of the word "dispose" was unfortunate.

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Motion: Carter moved and Gilstrap seconded THAT THE MEETING ADJOURN.

Vote: Unanimous

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Meeting adjourned 1:05 p.m.

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